THE BOMBAY TENANCY AND AGRICULTURAL LANDS ACT, 1948 (BOM. LXVII OF 1948).

G. N., R. D., No. 6816/45-F, dated the 18th January 1949 (B. G., Pt. IV-A, p. 125). S. 67 (3)

In exercise of the powers conferred by sub-section (*3*) of section 67 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), the Government of Bombay is pleased to authorise the Mamlatdars to exercise the powers and perform the duties and functions of the Agricultural Lands Tribunal under the said Act within the areas under their respective jurisdictions.

G. N., R. D., No. 6816/45-F, dated 18th January 1949 (B. G., Pt. IV-B, p. 126). S. 67 (3)

In exercise of the powers conferred by sub-section (*3*) of section 67 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), read with paragraph 3 of the Indian States (Application of Laws) Order, 1948, the Government of Bombay is pleased to authorise the Mamlatdars to exercise the powers and perform the duties and functions of the Agricultural Lands Tribunal under the said Act, within the areas of the States mentioned in the Schedule I to the said Order under their respective jurisdictions.

G. N., R. D., No. 10138/45-II, dated 9th September 1949 (B. G., Pt. IV-B, p. 1841). SS. 76 & 82. Bombay Tenancy and Agricultural Lands (Tribunal Procedure) Rules, 1949.

In exercise of the powers conferred by sections 76 and 82 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), and after consultation with the Bombay Revenue Tribunal, the Government of Bombay is pleased to make the following rules, namely :—

1. These rules may be called the Bombay Tenancy and Agricultural Lands (Tribunal Procedure) Rules, 1949.

2. In these rules, unless there is anything repugnant in the subject or context—

(1) "Act" means the Bombay Tenancy and Agricultural Lands Act, 1948;

(2) "appeal" means a memorandum of appeal to the Tribunal filed under section 75 of the Act;

(3) "application for revision" means an application for revision made to the Tribunal under section 76 of the Act;

(4) "Form" means a Form appended to these Rules;

(5) "Joint Secretary" means the Assistant Commissioner of the Division in which the subject matter of an appeal or an application for rvision in any case is situate;

(6) " Member " means a member of the Tribunal and includes a Non-Official member or the President of the Tribunal;

(7) " pleader " means a pleader as defined in secction 2 (*15*) of the Code of Civil Procedure, 1908;

(8) " President " means the President of the Tribunal;

(9) " Tribunal " means the Bombay Revenue Tribunal constituted under section 3 of the Bombay Revenue Tribunal Act, 1939;

(10) " Rules " means the Bombay Tenancy and Agricultural Lands Rules, 1949 or these rules, as the case may be;

(11) " Secretary " means the Secretary to the Tribunal.

3. (1) An appeal or an application for revision shall be presented in person by the appellant or applicant, as the case may be, or by his pleader or duly appointed agent to the Joint Secretary or sent to him by registered post.

(2) When such appeal or application is presented by a pleader or an agent, it shall be accompanied by a letter of authority appointing him as such.

(3) Every such appeal or application shall specify the name and address of the appellant or the applicant, as the case may be, and shall clearly set out the grounds on which the appeal or application is made.

(4) Every such appeal or application shall be accompanied by the award or order of the Collector in original or by certified copy thereof, against which the appeal or application is made.

(5) Every such appeal or application shall bear the court fee stamp of Rs. 5.

4. (1) On receipt of an appeal or an application for revision, the Joint Secretary shall endorse on it the date of its receipt, cause it to be registered in the appropriate register maintained under rule 5, acknowledge its receipt and refer it to the Commissioner to whom he is subordinate.

(2) Every such acknowledgment shall show the date of receipt of the appeal or the application for revision, the name and address of the appellant or the applicant and the number under which the appeal or the application is registered. The Joint Secretary shall forward a copy of every such acknowledgement to the Secretary for his information.

5. Every Joint Secretary shall maintain separate registers for—

(1) appeals in Form A ; and

(2) applications for revision in Form B.

6. (1) If the Commissioner to whom an appeal or an application for revision is referred to by the Joint Secretary is of the opinion that—

(*a*) the person presenting it has no authority to do so ;
(*b*) it does not lie to the Tribunal ;
(*c*) it is not made within the prescribed time ;

(*d*) it does not comply with any of the provisions of the Act or the Rules; or

(*e*) it should be rejected summarily;

he shall endorse on it his opinion and forward it to the President through the Non-official Member. The Non-official Member shall record his opinion on the appeal or application and forward it to the President:

Provided that if the appeal or the application does not conform with any of the provisions of the Act or the Rules, the Commissioner may call upon the party concerned to remedy the defects within a period of seven days of the receipt of the notice to do so. If the party fails to remedy the defects within the said period or such further period as may be allowed by the Commissioner, the Commissioner shall report the fact to the President through the Non-official Member.

(2) If the Commissioner is of the opinion that the appeal or the application lies to the Tribunal and that it should not be rejected summarily, he shall direct that the record and proceedings of the case should be called. After receipt of the record and proceedings and after recording his opinion thereon he shall forward the appeal or the application, with the record and proceedings, to the President through the Non-official Member. The Non-official member on receipt of the Commissioner's opinion shall forward the appeal or the application, with the record and proceedings, after recording his opinion thereon to the President.

(3) At the time of forwarding an appeal or application to the President through the Non-official Member under sub-rule (1) or (2), the Commissioner shall also send an intimation to the Secretary of the date of its despatch to the Non-official Member.

7. Pending a decision on an appeal or an application for revision made to the Tribunal, the Commissioner may direct the execution of any award or order against which the appeal or application is made to be stayed on such conditions as he thinks fit.

8. On receipt of an appeal or an application, the President shall go through the papers and if he is of the opinion that there is substance in the appeal or the application, he shall admit it.

9. (1) If the President is of the opinion that there is no substance in any appeal or when the President has received a report from the Commissioner under the proviso to sub-rule (1) of rule 6 in respect of any appeal, the President may direct that the appeal be placed before the Tribunal for preliminary hearing on a date to be fixed by him of which notice shall be given to the appellant. At such hearing the appellant or his agent or his pleader, if present, shall be heard and the appeal shall be admitted or rejected in accordance with the opinion of the majority of the Tribunal. If the appeal be rejected, the Tribunal shall give reasons for doing so.

(2) A notice under sub-rule (1) shall declare that if the parties do not appear before the Tribunal either in person or through agent on the date mentioned in the notice or on any subsequent date to which the hearing may be adjourned the appeal shall be heard and decided *ex-parte*.

10. After an appeal has been admitted, a notice shall be delivered or sent by registered post to the parties concerned calling upon them to appear before the Tribunal on the date specified in the notice. The notice shall also declare that if

the party concerned does not appear before the Tribunal either in person or through an agent or pleader on the date specified in the notice or on any subsequent date to which the hearing may be adjourned, the Tribunal shall hear and decide the appeal *ex-parte*.

11. (1) If on the date fixed for hearing or any other subsequent day to which the hearing may be adjourned, the appellant does not appear either in person or by his agent when the appeal is called for hearing, the Tribunal may dismiss the appeal or may decide it on merits, after hearing the respondent or his agent or his pleader, if present.

(2) If on the date fixed for hearing or on any other subsequent day to which the hearing may be adjourned, the respondent does not appear in person or by his agent when the appeal is called for hearing, the Tribunal may decide the same on merits, after hearing the appellant or his agent or his pleader.

12. If any of the parties was absent at the date of the hearing, either preliminary or final, and the appeal was heard and decided *ex-parte*, the party concerned may apply for restoration of the appeal and if the party satisfies the Tribunal that he had no notice of the date of the hearing or that he was prevented from any sufficient cause from appearing when the appeal was called for hearing, the Tribunal may restore the appeal to its file, provided that where the other party had appeared in the appeal such party shall be given notice and an opportunity of being heard before the order for restoration of the appeal is made.

13. The Tribunal may direct the Collector against whose award an appeal is made to make such further investigation or to take such additional evidence, directly or through his subordinates as it may think necessary. The Tribunal may on such terms as it thinks fit and at any stage adjourn the hearing of the appeal.

14. When the hearing of an appeal is complete, the Tribunal shall pronounce its judgment.

15. (1) Every judgment of the Tribunal shall be in writing.

(2) When the judgment is unanimous, it shall be signed by all members. Where it is a judgment of the majority, it shall be signed and dated by the members forming the majority. The dissenting member shall also write his judgment and record his opinion on the point or points on which he dissents, but the decision of the majority shall prevail.

16. The Tribunal shall, in its judgment, state at the end, whether the appeal is dismissed or allowed, wholly or in part and mention the relief, if any, granted to the appellant.

17. An application for revision shall ordinarily be disposed of by the Tribunal by circulation but when the President or the other two members of the Tribunal are of the opinion that a joint sitting is necessary, a joint sitting shall be held at such place as the President may determine and the decision shall be reached after personal discussion and if necessary after giving a hearing to the parties concerned.

18. The Tribunal may either annual, reverse, modify or confirm the order of the Collector against which an application for revision is made or may direct the Collector to make such further investigation or to take such additional evidence, directly or through his subordinates, as it may think necessary :

Provided that no order shall be annulled, reversed or modified to the prejudice of any party unless opportunity has been given to such party to represent his case before the passing of the final order.

19. Where all the members of the Tribunal agree, their decision on an application for revision disposed of under rule 17 shall be in accordance with the opinion of all the members, but where there is difference of opinion between them, the decision of the Majority shall prevail. If for any reason any of the members, other than the President, is unable to give his opinion, and the President and the other member agree in their opinion, the decision shall be in accordance with such opinion. The President shall prepare the order in accordance with the decision so arrived at and the order so prepared shall be signed by all the members of the Tribunal.

20. When any application for revision is to be decided after hearing the parties the Tribunal shall for the disposal of the application follow, so far as m y be, the procedure laid down in rules 9 to 16 (both inclusive) for disposal of an appeal.

21. A certified copy of the final order passed by the Tribunal on any appeal or application for revision shall be forwarded as soon as practicable to the Collector concerned and also to the appellant or applicant free of cost and without application.

22. The Collector to whom the order is communicated under rule 21, shall, within a reasonable time, inform the Secretary that the order has been duly carried out.

23. When any record and proceedings are called for by the Tribunal and sent to it, the Collector concerned shall send with such record and proceedings a diary in chronological order showing the date when such proceedings were commenced and the dates and pages of principal orders passed and of important papers and maps or plans filed in such proceedings.

24. The Tribunal may permit any party to appear or act by a pleader duly authorised by him at the hearing of any appeal or application for revision.

25. In deciding appeals and applications for revision, in matters not provided for in these rules the Tribunal shall so far as may be follow the procedure laid down under the relevant provisions of the Code of Civil Procedure, 1908.

FORM A.

(*See* rule 5.)

Register of appeals.

Serial No.	Names of parties and their agents or pleaders, if any.	Date of the award of the Collector.	Date of filing the appeal.	Date of decision by the Tribunal.	Final order passed by the Tribunal.	Remarks.
1	2	3	4	5	6	7

FORM B.

(*See* rule 5.)

Register of applications for revision.

Serial No.	Names of parties and their agents or pleaders, if any.	Date of the order of the Collector.	Date of filing the application.	Date of decision by the Tribunal.	Final order passed by the Tribunal.	Remarks.
1	2	3	4	5	6	7

G. N., R. D., No. 10138/45, dated 27th April 1949 (B. G., Pt. IV-B, p. 941-A).

S. 82

Bombay Tenancy and Agricultural Lands Rules, 1949.

In exercise of the powers conferred by section 82 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), and in supersession of the Bombay Tenancy Rules, 1947, the Government of Bombay is pleased to make the following rules, namely :—

1. *Short title.*—These rules may be called the Bombay Tenancy and Agricultural Lands Rules, 1949.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(*a*) " Act " means the Bombay Tenancy and Agricultural Lands Act, 1948 ;

(*b*) " form " means a form appended to these rules ;

(*c*) " section " means a section of the Act ;

(*d*) words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

3. *Determination of the quantity and value of the crop.*—(1) For the purpose of fixing the maximum rent payable in respect of any land under sub-section (*1*) of section 6 the total yield of the land or its value shall be determined by the Mamlatdar.

(2) Such yield shall be determined on the basis of the rates estimated on either of the following whichever may be lower :—

(*a*) the quantity of average yield per acre of that crop as arrived at by actual crop-cutting experiments under-taken by the revenue or agricultural department or by both in that year in or near that local area.

(*b*) the actual yield per acre agreed to by the landlord and the tenant.

(3) The value shall be calculated on the basis of the average market price for the month of January to March as recorded in Taluka Form XVIII-A given in the Manual of Revenue Accounts.

4. *Determination of crop-share payable as rent.*—(1) Whenever there is a dispute regarding the rent payable by way of a share of the crop grown on any land held by a tenant, the tenant or landlord, as the case may be, shall, before the removal of the crop from the threshing floor or the field, make an application to the Talati of the village. The Talati shall, before the removal of the crop from the threshing floor or the field, as the case may be, arrange to get a Panchnama drawn up of the actual produce of the land of which the produce or rental share is in dispute. The produce recorded in the Panchnama, which shall be signed by the Panchas and the Talati, shall be deemed to be the actual produce :

Provided that where the crop grown on the land is fodder-crop, such application shall be made for determination of the actual produce and the Panchnama shall be drawn up before the crop is removed from the field.

(2) In case the landlord declines to receive the share of the actual produce as determined under sub-rule (1), the tenant shall be entitled to remove the entire crop from the threshing floor or the field, as the case may be, and the landlord shall recover his rent by proceeding under section 86 of the Bombay Land Revenue Code, 1879.

(3) In case the tenant refuses to give to the landlord the share of the actual produce as determined under sub-rule (1), the landlord shall be put in possession of his share by the Talati in the presence of the Panchas and the landlord shall recover the balance of his share, if any, by proceeding under section 86 of the Bombay Land Revenue Code, 1879.

5. *Commutation of crop-share rent into cash.*—(1) When a notification under sub-section (*1*) of section 8 is published in the *Official Gazette*, the Mamlatdars in the areas specified in the notification shall cause copies of the notification in the regional languages to be exhibited at prominent places in the villages concerned and shall cause the contents of the notification to be made known to the villagers by beat of drum for three consecutive days.

(2) The Mamlatdars shall also give similar publicity to the rate of commutation if it is notified by the State Government in the *Official Gazette* under sub-section (*2*) of section 8.

(3) In the areas specified in the notification under sub-section (*1*) of section 8 in respect of which the rate of commutation has not been fixed by the State Government under sub-section (*2*) of the said section, a landlord whose rent is recoverable wholly or partly as a crop-share shall, on publication of the notification in the regional language under sub-rule (1), apply to the Mamlatdar in whose jurisdiction the lands concerned are situate for commutation of rents so far recoverable as crop-share into cash. The application shall be in Form I and shall be submitted so as to reach the Mamlatdar within three months from the date of publication of the notification under sub-rule (1).

(4) On receipt of an application under sub-rule (3) the Mamlatdar shall serve the tenant concerned with notice to appear before him on a date specified in the notice and shall hold the necessary inquiries as regards the crops raised in the lands concerned, the actual yield of the crop and the total amount of crop share payable by a tenant to a landlord.

(5) After holding the necessary inquiries under sub-rule (4), the Mamlatdar shall determine,—

(*a*) the actual yield of the crop subject to the provisions of rule 3 ;

(*b*) the share of the crop to which the landlord is entitled subject to the provisions of section 6 and fix the commuted cash rent in accordance with the provisions of rule 3.

6. *Application for commutation of rent in terms of service or labour into cash.*—An application for commutation of rent received in terms of service or labour into cash under sub-section (*1*) of section 9 shall be in Form II.

7. *Penalty for recovery of rent from a tenant in contravention of the provisions of section 6, 7, 8 or 9.*—Any landlord recovering rent from his tenant in contravention of the provisions of section 6, 7, 8 or 9 shall be liable to pay such penalty to the extent of ten times the excess amount of rent recovered by the landlord from such tenant, but in any case not less than Rs. 50, as the Mamlatdar may determine.

8. *Application for determination of reasonable rent.*—An application to the the Mamlatdar for determination of reasonable rent under section 12 shall be in Form III.

9. *Other factors to be taken into consideration for determining reasonable rent.*—Where an application for determination of reasonable rent is received by the Mamlatdar, he shall, for the purpose of determining the reasonable rent in addition to the factors mentioned in clauses (*a*) to (*e*) of sub-section (*3*) of section 12, take into consideration the value of any service or contribution made by—

(*i*) the landlord towards the cultivation of a tenant's holding, such as protection of crop, grant of seeds or manure; and

(*ii*) a tenant towards maintenance of or repairs to bunds.

10. *Certificate of transfer of house site and fees therefor.*—(1) A certificate of transfer of a house site granted by a Tribunal to a tenant under sub-section (*3*) of section 17 shall be in Form IV.

(2) Before a certificate of transfer of a house site is granted by the Tribunal, fees calculated on the value of such site at the rates specified in column 2 of the Schedule appended to these rules shall be paid.

11. *Application for adjudication of right to produce of trees naturally growing on land or apportionment of such produce.*—An application under sub-section (*2*) of section 20 for an adjudication of the right to the produce of trees naturally growing on the land or the apportionment of such produce shall be made in Form V.

12. *Receipt for rent.*—A receipt given under sub-section (*2*) of section 26 for the amount of rent received in respect of any land shall be in Form VI. The receipt shall be given in the regional language of the locality and the counterfoil of such receipt shall be signed by the tenant or his authorised agent in acknowledgment of the correctness of the counterfoil and receipt of the copy. When a share of the produce is paid as rent, kind and quantity of such produce shall be mentioned in the receipt. The quantity shall be expressed—

(*i*) in places in which Part II of the Bombay Weights and Measures Act, 1932, has come into force, in measures authorised to be used in such places under that Act, and (*ii*) elsewhere in measures notified by the Collector in this behalf.

13. *Application for possession of land or dwelling house.*—An application for possession of any land or dwelling house under sub-section (*1*) or (*2*) of section 29 shall be made in Form VII.

14. *Determination of the reasonable price of land which a protected tenant is entitled to purchase.*—(1) When an application under sub-section (*3*) of section 32, for the determination of the reasonable price of land, is received by the tribunal, it shall

determine the reasonable price of the land after taking into consideration the factors to be taken into consideration in fixing the reasonable rent under section 12 and such other additional factors as in its opinion are relevant and useful.

(2) The amount of price so determined by the Tribunal under sub-rule (1) shall be deposited by the protected tenant with the Tribunal within three months from the date of such determination.

15. *Certificate of purchase by a protected tenant.*—A certificate to be issued to a protected tenant under sub-section (5) of section 32 shall be in Form VIII.

16. *Manner of deciding questions referred to the Tribunal.*—(1) In the event of any question arising under sub-section (7) of section 32 regarding the priority in relation to the purchase of the land among the protected tenants *inter se*, it should be decided by the Tribunal in the following manner, namely:—

If two or more protected tenants make offers in writing to the landlord under sub-section (2) of section 32, and if the total area of the arable land in the ownership of the landlord is such that only one of such protected tenants can exercise his right under sub-section (1) of section 32, the priority shall be given by the Tribunal to the protected tenant who in its opinion has been in possession of the land for a longest and continuous period and the continuance of the possession with whom shall ensure the full and efficient use of the land for agriculture.

(2) If there is any dispute regarding the kind, extent or location of any particular area of land to be purchased by a protected tenant the Tribunal shall decide it after taking into consideration the following factors, namely:—

(*i*) location and kind of land, if any, already held by the protected tenant as owner;

(*ii*) improvements made, if any, by the protected tenant on the lands; and

(*iii*) such other factors as may be deemed relevant and useful by the Tribunal.

(3) If there is any dispute between the protected tenant and the landlord or if there is any dispute between the protected tenants *interse*, regarding any other right in relation to the purchase of the land, the Tribunal shall decide such dispute and after taking such evidence as may be adduced.

17. *Application for the exchange of tenancies.*—An application for the exchange of tenancies in respect of the lands held by protected tenants under section (1) of section 33 shall be in Form IX.

18. *Terms and conditions for exchange of lands.*—The terms and conditions for exchange of lands by protected tenants under section 33 shall be as follows, namely:—

(*a*) the land once exchanged shall not be allowed to be exchanged with the same land;

(*b*) the land to be exchanged should be adjcent to or at least within a radius of one mile from the land or lands held by the respective protected tenants as such protected tenants or as owner in the same or adjacent village;

(*c*) the protected tenants are not in arrears of rent in respect of the lands to be exchanged;

(*d*) no proceedings have been started against the protected tenants by their landlords for ejecting them from the lands to be exchanged for breach of the provisions of section 14 or 27 or under section 34; and

(*e*) no amount on account of compensation shall be allowed by the Mamlatdar in sanctioning the exchange of the lands.

19. *Certificate of exchange of lands between protected tenants.*—The certificate sanctioning exchange of lands between protected tenants to be issued by the Mamlatdar under sub-section (2) of section 33 shall be in Form X.

20. *Manner of apportioning rent on the termination of the tenancy in respect of a part of the land leased to a protected tenant.*—(1) After the tenancy of a part of the land leased to a protected tenant is terminated by a landlord under sub-section (2) of section 34 and the possession of the land is obtained by him after obtaining an order of a Mamlatdar under sub-section (2) of section 29 in case the landlord and the protected tenant do not agree as to the amount of the rent to be paid for the area of the land left with the protected tenant, the landlord shall make an application in Form XI to the Mamlatdar for the apportionment of the rent.

(2) On receipt of an application under sub-rule (1), the Mamlatdar shall issue a notice to the protected tenant and after holding an inquiry fix the rent of the area of land left with the protected tenant after taking into consideration the following factors :—

(*a*) the total area and kind of the land held by the protected tenant before the termination of his tenancy of a part of the land and the rent paid by him for it ;

(*b*) the factors mentioned in sub-section (3) of section 12.

(3) Nothing contained in this rule shall at any time debar a protected tenant from applying for fixation of reasonable rent under section 12.

21. *Application for determination of compensation for improvement made by protected tenant.*—An application for determination of compensation for improvements made on the land by a protected tenant under sub-section (1) of section 41 shall be in Form XII.

22. *Determination of debts and liabilities by the Manager.*—On the expiry of the period fixed under section 49 read with the proviso to section 51 for notifying the claims against the estate under management, the Manager shall appoint a day for holding an inquiry into the history and merits of every claim received by him. Notice of the date, time and place of the intended enquiry shall be given to every claimant and to the holder of the estate and shall also be published in the village chavdi where the property is situate. The Manager shall then ascertain the nature and extent of all the claims received by him. In case of any dispute as to the fact or extent of debts and liabilities, he shall hold such further enquiry as may be necessary to determine the correct amount of such debts and liabilities due to several claimants.

23. *Manner of notifying liquidation scheme sanctioned by the Collector.*—When the Collector sanctions the liquidation scheme under section 56, he shall notify the fact of such sanction in one of the newspapers, having wide circulation in the area, selected by him and also by affixing a copy of the scheme in the regional language at the following places :—

(1) Office of the Collector ;
(2) Office of the Mamlatdar or Mahalkari ;
(3) Office of the Manager ;
(4) Village chavdi where the property is situate.

24. *Sale or lease of the estate under management or any part thereof.*—The sale or lease of all or any part of the estate under section 58 shall be made by the Manager by public auction, unless such a course is in his opinion unnecessary or inexpedient in view of the size and location of the estate or part of the estate or unless sale or lease by private negotiation is in his opinion likely to be more advantageous. Any such sale shall be made by the Manager only if it appears to him that it is not otherwise possible to meet the cost of the management of the estate or if no adequate balance is left for the liquidation of the debts and liabilities of the estate.

25. *Circumstances in and conditions on which permission for transfer of lands to non-agriculturist may be granted.*—(1) The Collector or other officer authorised under the proviso to sub-section (*1*) of section 63 may grant permission for sale, gift, exchange, lease or mortgage of any land in favour of a person who is not an agriculturist in the following cases, namely :—

(*a*) if the person *bona fide* requires the land for non-agricutural purpose ;

(*b*) if the Collector or authorised officer is satisfied that the owner of the land had complied with the provisions of section 64 ;

(*c*) if the Collector or authorised officer is satisfied that no agriculturist in the village in which the land is situate is prepared to take the land on lease from the owner ;

(*d*) if the land is required for the benefit of an industrial or commercial undertaking ;

(*e*) if the land is required by a Co-operative Society ;

(*f*) if the mortgagee has obtained from the Collector a certificate that he intends to take the profession of agriculturist and agrees to personally cultivate the land.

(2) The permission under the proviso to sub-section (*1*) of section 63 shall be granted on the condition that the person shall use the land for the purpose for which the permission has been granted to him within one year from the date on which he takes possession of the land in accordance with the provisions of this Act.

26. *Form for making an offer for sale of land.*—An offer under sub-section (*2*) of section 64 for sale of land shall be made in Form XIII.

27. *Manner of inquiry for determination of value of estate, land or interest which has been acquired.*—(1) After the publication of the notification under sub-section (*2*) of section 66 regarding the acquisition of any estate, land or interest therein, the Collector shall give notice to the holder of the estate, land or interest, as the case may be, and to all persons known or believed to be interested therein under sub-section (*2*) of section 66 and shall call upon all such persons to state the nature of their respective interests in the estate or land which has been acquired and the amount and particulars of their claims to compensation for such interest within two months from the date of the notice.

(2) All claims under sub-rule (1) shall be made to the Collector in writing with full particulars thereof and documents, if any, as also names and addresses of witnesses to be summoned, if any, and shall be delivered within the period prescribed under sub-rule (1).

(3) The Collector shall then hold an inquiry after summoning the claimants and their witnesses, if any, and such other persons known or believed to have interest in the land or estate on a specified day.

(4) On receiving evidence and after taking into consideration the factors mentioned in sub-section (4) of section 66 and the provisions of section 23 of the Land Acquisition Act, 1894, the Collector shall pass an order determining the value of the estate, land or interest, which has been acquired.

28. *Other procedure to be followed by the Mamlatdar or the Tribunal.*—In all matters which are not provided for in the Mamlatdars' Court Act, 1906, the Mamlatdar or the Tribunal shall follow the procedure prescribed for holding formal enquiries under the Bombay Land Revenue Code, 1879.

29. *Court fees.*—(1) Every application made to a Mamlatdar or Tribunal under the Act shall bear a court fee stamp of annas eight and every memorandum of appeal or an application made to the Collector shall bear a court fee stamp of Rs. 2.

(2) Every appeal or revision application made to the Bombay Revenue Tribunal under the Act shall bear a court fee stamp of Rs. 5.

FORM I.

(*See* rule 5.)

Form of application for commutation of crop-share rent into cash under section 8.

To

The Mamlatdar of

Name of the applicant :—

Age Profession Place of residence

Name of the opponent :—

Age Profession Place of residence

Sir,

I am the landlord and the opponent is the tenant of the following lands :—

Survey No.	Pot-Hissa No.	Area.	Assessment.	Village.	Taluka.
		A. g.			

The rent of the land is as given below :—

(Here give details of crop-share rent.)

I apply for commutation of the crop-share rent into cash and for determination of the cash rent.

The extracts of the Record of Rights concerning the lands are enclosed.

I also enclose the following documents :—

(Here give a list of the documents.)

(Names of the witnesses, if any, should be stated. It should also be stated whether they are to be summoned or whether the applicant will produce them.)

Yours faithfully,

Signature of the landlord.

Date—

FORM II.

(*See* rule 6.)

Form of application for commutation of rent in terms of service or labour into cash under section 9.

To

The Mamlatdar of

Name of the applicant :—

Age Profession Place of residence

Name of the opponent :—

Age Profession Place of residence

Sir,

I am the landlord and the opponent is a tenant of the following land :—

Survey No.	Pot Hissa No.	Area.	Assessment.	Village.	Taluka.
		A. g.			

The rent of the land is as given below :—

(Here give details of the rent including the details of the rent received in terms of service or labour.)

I apply for commutation of the rent received in terms of service or labour into cash and for determination of the cash rent.

The extracts of the Record of rights concerning the land are enclosed.

I also enclose the following documents :—

(Here give a list of the documents.)

(Names of the witnesses, if any, should be stated. It should also be stated whether they are to be summoned or whether the applicant will produce them.)

Yours faithfully,

Signature of the landlord.

Date—

FORM III.

(*See* rule 8.)

Form of application for determination of reasonable rent under section 12.

To
The Mamlatdar of

Name of the applicant :—

Age Profession Place of residence

Name of the oppenent :—

Age Profession Place of residence

Sir,

I am the landlord/tenant of the following land :—

Survey No.	Pot-Hissa No.	Area	Assessment.	Village.	Taluka.
		A. g.			

Mr. is the tenant/landlord of this land from the year
The present rent of the land is
The rent is not reasonable for the following reasons :—

(Here state the reasons.)

I am prepared to accept/pay rent namely as reasonable rent of the land. I request you to determine the same under section 12 of the Bombay Tenancy and Agricultural Lands Act, 1948.

The extracts of the Record of Rights concerning the land are enclosed.

I also enclose the following documents.

(Here give a list of the documents.)

(Names of the witnesses, if any, should be stated. It should also be stated whether they are to be summoned or whether the applicant will produce them.)

Yours faithfully,

Signature of the landlord/tenant.

Date—

FORM IV.

(*See* rule 10.)

Form of certificate under section 17 (3).

Whereas Mr. is in occupation of the house site specified below belonging to Mr. and whereas under the provisions of sub-section (*3*) of section 17 of the Bombay Tenancy and Agricultural Lands Act, 1948, Mr. was required to deposit and has deposited Rs. (in words) for the transfer of the said site to him; it is hereby certified that the said site shall be deemed to have been transferred to Mr. under the provisions of sub-section (*3*) of section 17 of the said Act.

Description of house site.

District.	Taluka.	Village.	Survey No.	Pot-Hissa No.	Area.	Boundaries.
					A. g.	

Signature.

President, Agricultural Lands Tribunal.

Place—

Date—

FORM V.

(*See* rule 11.)

Application under section 20 for an adjudication of right to the produce of trees naturally growing on the land or apportionment of such produce.

To

The Mamlatdar of

Name of applicant

Age. Profession. Place of residence.

Name of opponent

Age. Profession. Place of residence.

Sir,

I am the tenant/landlord and the opponent is the landlord/tenant of the following land :—

Survey No.	Pot-Hissa No.	Area	Assessment.	Village.	Taluka.
		A. g.			

The following trees have grown naturally on the said land and I am entitled to $\frac{\text{two-thirds}}{\text{one-third}}$ of the total produce thereof under the provisions of sub-section (*1*) of section 20 of the Bombay Tenancy and Agricultural Lands Act, 1948 :—

(Here give details of the trees.)

$\frac{\text{The opponant landlord objects to my}}{\text{I object to the opponant tenant}}$ enjoying the $\frac{\text{two-thirds}}{\text{one-third}}$ of the total produce of the above trees. I therefore request that the $\frac{\text{right to}}{\text{apportionment of}}$ the said produce may be determined.

The extracts of Record of Rights concerning the land are enclosed.

I enclose the following documents :—

(Here give a list of documents.)

(Names of the witnesses, if any, should be stated. It should also be stated whether they are to be summoned or whether the applicant will produce them.)

Yours faithfully,

Date Signature of the applicant.

Counterfoil

FORM VI.

(*See* rule 12.)

Form of receipt.

District.	Taluka.	Village.	Survey No.	Pot No. or Hissa No.	Area.	Name of the field, if any.	Name of tenant	Rent agreed upon (if crop-share, rent according to appraisement) for the year.	Rent actually recovered in cash or kind.	Total rent in cash or kind recovered during the current year.
1	2	3	4	5	6	7	8	9	10	11
								For the current year.		
								For arrears ..		

Received to-day the rent specified in column 10 from Mr.

Signature of landlord or his authorised agent.

Signature or thumb mark of tenant or his authorised agent.

FORM VI.

(*See* rule 12.)

Form of receipt.

District.	Taluka.	Village.	Survey No.	Pot No. or Hissa. No.	Area.	Name of the field if any.	Name of tenant.	Rent agreed upon (if crop-share, rent according to appraisement) for the year.	Rent actually recovered in cash or kind.	Total rent in cash or kind recovered during the current year.
1	2	3	4	5	6	7	8	9	10	11
								For the current year.		
								For arrears ..		

Received to-day the rent specified in column 10 from Mr.

Signature of landlord or his authorised agent.

Date

FORM VII.

(*See* rule 13.)

Form of application for possession under section 29.

To

The Mamlatdar of

Name of applicant

Age. Profession. Place of residence.

Name of opponent

Age. Profession. Place of residence.

Sir,

I do hereby state that I am entitled to the possession of the property, namely :—

Name of village.	S. No.	Pot Hissa No.	Area.	Assessment.	Name of landlord.
			A. g.		

in the following circumstances :—

(Here state the circumstances in full.)

The property is at present in the possession of the opponent. I apply that possession of the property be handed over to me at an early date.

The extracts of Record of Rights concerning the land are enclosed.

I also enclose the following documents :—

(Here give a list of the documents).

(Names of the witnesses, if any, should be stated. It should also be stated whether they are to be summoned or whether the applicant will produce them.)

Yours faithfully,

Date Signature of the applicant.

FORM VIII.

(*See* rule 15.)

Form of certificate under section 32 (5).

Whereas Mr. is the protected tenant of the land specified below belonging to the landlord Mr. and whereas under the provisions of sub-section (*4*) of section 32 of the Bombay Tenancy and Agricultural Lands Act, 1948, the protected tenant Mr. was required to deposit and has deposited Rs. (in words) as the price of the said land ; It is hereby certified that the said protected tenant Mr. shall be deemed to be the purchaser of the said land under the provisions of sub-section (*5*) of section 32 of the said Act.

Description of the land.

District.	Taluka.	Village.	S. No.	Pot Hissa No.	Area.	Assessment.	Boundaries.

Signature.

Place.
Date

President, Agricultural Lands Tribunal.

FORM IX.

(*See* rule 17.)

Form of application for the exchange of protected tenancies under section 33(1).

To
The Mamlatdar of
We

Name.	Age.	Place of residence.
(1)		
(2)		

protected tenants of the following lands do hereby apply for the exchange of the tenancies thereof by mutual agreement :—

Land held by applicant No. 1.

Name of village.	S. No.	Pot Hissa No.	Area.	Assessment.	Name of the landlord and his place of residence.	Details of rent payable to the landlord.
			A. g.			

Land held by applicant No. 2.

Name of village.	S. No.	Pot Hissa No.	Area.	Assessment.	Name of the landlord and his place of residence.	Details of rent payable to the landlord.
			A. g.			

The exchange of tenancies may please be sanctioned.
The extracts of the Record of Rights concerning the lands are enclosed.

Yours faithfully,

Date

Signatures of the applicants.

FORM X.

(*See* rule 19.)

Form of certificate under sub-section (2) of section 33.

Whereas the protected tenants—

(1) Mr. residing at

(2) Mr. residing at

applied for the exchange of tenancies in respect of the following lands held by them as protected tenants :—

Taluka.	Village.	Survey No.	Pot Hissa No.	Area. A. g.	Assess-ment.	Name of the land-lord.	Details of rent payable to the landlord.	Names of protected tenants.

and whereas after holding an enquiry as required by sub-section (*2*) of section *33*, I have sanctioned the exchange of the tenancies, I hereby certify that the said tenancies shall be deemed to have been exchanged with effect from the date of this certificate, subject to the terms and conditions mentioned in rule 18 of the Bombay Tenancy and Agricultural Lands Rules, 1949.

Given under my hand and seal, this day of 19 .

Signature.

Mamlatdar of

FORM XI.

(*See* rule 20.)

Form of application for apportionment of rent under section 34 (3).

To

The Mamlatdar of

Name of the applicant.

Age. Profession. Place of residence.

Name of the opponent.

Age. Profession. Place of residence.

Sir,

I am the landlord of the following lands :—

Survey No.	Pot-Hissa No.	Area. A. g.	Assessment.	Village.	Taluka.

The opponent was the tenant of these lands and was paying the following rent for these lands :—

(Here give details of rent.)

I have terminated his tenancy in respect of the following lands under section 34 and obtained their possession under an order of the Mamlatdar under section 29 :—

Survey No.	Pot-Hissa No.	Area. A. g.	Assessment.	Village.	Taluka.

The opponent has thus now in his possession the following of my lands :—

Survey No.	Pot-Hissa No.	Area. A. g.	Assessment.	Village.	Taluka.

I am prepared to accept the following rent for the above lands remaining in his possession :—

(Here give the rent acceptable.)

I request you to apportion the rent payable for the above land in his possession.

The extracts of the Record of Rights concerning the lands are enclosed.

I also enclose the following documents :—

(Here give a list of the documents.)

(Names of the witnesses, if any, should be stated. It should also be stated whether they are to be summoned or whether the applicant will produce them.)

Yours faithfully,

Date. Signature of the landlord.

FORM XII.

(*See* rule 21.)

Form of application for determination of compensation under section 41 (1).

To

The Mamlatdar of

Name of the applicant.

Age. Profession. Place of residence.

Name of the opponent.

Age. Profession. Place of residence.

Sir,

I am the protected tenant and the opponent is the landlord of the following land:

Survey No.	Pot Hissa No.	Area A. g.	Assessment.	Village.	Taluka.

My tenancy has been terminated by the landlord under the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948. I have made the following improvements on the above land. (Here give details of the improvements made).

I request that the improvements made by me and their value should be ascertained and the compensation payable by the opponent for these improvements assessed and paid to me.

The extracts of the Record of Rights concerning the land are enclosed.

I also enclose the following documents :

Here give a list of the documents.

(Names of the witnessess, if any, should be stated. It should also be stated whether they are to be summoned or whether the applicant will produce them.)

Yours faithfully

Signature of the Applicant.

Date.

FORM XIII.

(*See* rule 26.)

Form of making an offer for sale of land under section 64 (2).

To

Sir,

I am the landlord of the following land :—

Survey No.	Pot Hissa No.	Area. A. g.	Assessment.	Village.	Taluka.

I intend to sell this land, the reasonable price of which as determined by the Agricultural Lands Tribunal under sub-section (*1*) of section 64 of the Bombay Tenancy and Agricultural Lands Act, 1948, is Rs. (in words).

As required by sub-section (*2*) of section 64 of the said Act, I offer this land for sale to you. If you intend to purchase the land you should either pay the above sum to me or deposit it with the Agricultural Lands Tribunal within two months of the receipt of this offer. If you do not intend to purchase the land please inform me accordingly in writing within the said period of two months.

Yours faithfully,

Signature of the landlord.

Date 19 .

THE SCHEDULE.

[*See* rule 10 (2).]

Value determined. (1)	Scale of fees. (2)
When the value of the house-site does not exceed Rs. 1,000.	2½ per cent. of the value subject to a minimum of Rs. 2.
When the value of the house-site exceeds Rs. 1,000, but does not exceed Rs. 5,000.	For the first Rs. 1,000, 2½ per cent. For the amount in excess of Rs. 1,000, 1 per cent.
When the value of the house-site exceeds Rs. 5,000.	For the first Rs. 1,000, 2½ per cent. For the amount in excess of Rs. 1,000 and up to Rs. 5,000, 1 per cent. For the amount in excess of Rs. 5,000, ½ per cent. *Note.*—Any fraction of a hundred rupees of Rs. 51 or more shall be treated as one hundred rupees and any such fraction below Rs. 51 shall be ignored for calculating the percentage of the value.

G. N., R. D., No. 870/49-F, dated 31st October 1949 (B. G., Pt. IV-B, p. 2002). S. 83.

In exercise of the powers conferred by section 83 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), the Government of Bombay is pleased to delegate to the Collectors, the Assistant Collectors and the Deputy Collectors within their respective jurisdictions the powers conferred on the State Government under section 65 of the said Act.

S. 88(2) **G. N., R. D., No. 828/49, dated 14th July 1949 (B. G., Pt. IV-B, p. 1516).**

In exercise of the powers conferred by sub-section (*2*) of section 88 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), the Government of Bombay is pleased to direct that notwithstanding anything contained in sub-clause (*a*) of sub-section (*1*) of section 88 of the said Act, lands held on lease from Government but sub-let by lessees shall not be exempt from any of the provisions of the said Act.